



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: October 9, 2003

COUNCIL DISTRICT: 3

SUBJECT: C03-072. EXECUTIVE DIRECTOR-INITIATED REZONING LOCATED IN THE AREA GENERALLY BOUNDED BY JULIAN STREET (NORTH), 4TH STREET (EAST), INTERSTATE 280 (SOUTH) AND RT87 (WEST).

RECOMMENDATION

The Planning Commission voted 5-0-2 (Commissioners James, Dhillon absent) to recommend that the City Council adopt an ordinance approving the Executive Director-Initiated Rezoning.

BACKGROUND

On October 8, 2003, the Planning Commission held a public hearing to consider an Executive Director-Initiated rezoning from CG General Commercial, R-M Multiple Residence, R-2 Two-Family Residence, LI Light Industrial Districts to DC Downtown Commercial District and DC-NT 1 Downtown Commercial-Neighborhood Transition 1 Districts to allow mixed use, commercial, and residential uses on approximately 389 gross acres.

The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning.

Staff clarified at the hearing that the two blocks between West Julian, North First, West St. James and North Market Streets were included as part of the rezoning program for application of the proposed DC zoning district. These two blocks had been unintentionally displayed in an exhibit included in the staff report as omitted from the rezoning program. Staff explained the two blocks had been proposed for rezoning to the DC zoning district from the start, had been identified for rezoning in the public hearing notice, and were analyzed in the staff report. Staff provided a corrected exhibit that included the two blocks to the Planning Commission (Exhibit A, attached) at the hearing.

The Planning Commission then closed the public hearing. Commissioner Levy questioned the application of the DC zoning district to public parks and other open spaces downtown. Staff explained these public open spaces were now zoned CG Commercial, as is most of downtown,

and it was typical to zone public parks and other open spaces to match the zoning on surrounding properties for consistency. As a practical matter, public parks and other City property are not subject to zoning district regulations; rather the City Charter restricts use of public parks for non-park purposes.

PUBLIC OUTREACH

In 2003, presentations and meetings have been held with the Downtown Association, the Chamber of Commerce, and various neighborhood groups including the Market-Almaden and Spartan Keyes Neighborhood Advisory Committees (NACs).

For the current rezoning approximately 6000 notices have been mailed to all property owners and tenants within 1000 feet of the downtown area. The notice was also published in the San Jose Mercury News. Staff has been available to discuss the proposal with members of the public.

COORDINATION

As standard procedure in the development review process, this project was coordinated with the Redevelopment Agency, Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

CEQA

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR," which was certified on August 16, 1994, by the City of San José City Council Resolution Number: 65459.

STEPHEN M. HAASE
Secretary, Planning Commission

c: Dennis Korabiak, Redevelopment Agency

AD:ll

